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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,650	07/31/2001	Peter Pius Gutberlet	1011-57071	5758

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EXAMINER	
BONSHOCK, DENNIS G	
ART UNIT	**PAPER NUMBER**
2173	7

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

Office Action Summary	Application	Applicant(s)	
	09/919,650	GUTBERLET ET AL.	
	Examiner	Art Unit	
	Dennis G Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) *36-41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-35, are drawn to a list containing sub-lists with independent timing, classified in class 700, subclass 100.

   II. Claims 36-41, is drawn to the displaying of operational icons, classified in class 700, subclass 103.

2. Inventions of group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility such as containing sub-lists with independent timing from that claimed in group II. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Kyle Rinehart, an attorney who is covering the cases for Robert Scotti, on March 30,2004 a provisional election was made with traverse to prosecute the invention of Gutberlet, claims 1-35. Affirmation of this election must be made by applicant in replying to this Office action. Claims 36-41 are withdrawn

from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marmel, "Microsoft project 2000", and Elliott, *An Introduction to Architectural Exploration.*

8. With regard to claim 1, which teaches a method of presenting a schedule including one or more loops, Marmel teaches, on page 8, presenting a schedule including one or more sub elements. With regard to claim 1, further teaching the displaying in a Gantt chart of a top level structure, Marmel teaches, on pages 8, 50, and 51, presenting a schedule in the form of a Gantt chart where the chart can display only the top level structure. With regard to claim 1, further teaching displaying the first loop schedule where timing is presented relative to the first loop schedule, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely

resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

9. With regard to claim 2, which teaches displaying the first loop schedule hierarchically nests the first loop schedule in the top level structure, Marmel teaches, on pages 6 and 7, the "Interview developers" through the "Write product overview" being hierarchically imbedded within "Product Research."

10. With regard to claim 3, which teaches the top level schedule and first loop schedule including independently numbered sets of control steps, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element.

11. With regard to claim 4, which teaches the first loop schedule beginning with a control step 0 for non-real operations of the first loop schedule that execute in a clock cycle for a control step of the top-level loop schedule, Marmel further teaches, on page 17, the percentages complete being relative the individual sub element where a sub-element 0 percent is marked with a 0. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element.

12. With regard to claim 5, which teaches the loop comprising a icon summarizing the loop schedule, wherein timing within the top level schedule is presented as independent of the latency of the first loop schedule, Marmel further teaches, in pages 50 and 51, elements containing a icon for displaying when the sub-elements are not expanded.

13 With regard to claim 6, which teaches hiding the first loop schedule responsive to a command from the designer, Marmel further teaches, in pages 50 and 51, elements being able to be hidden upon selection from the user to allow for "various levels of detail".

14. With regard to claims 7, 29, and 32, which teaches displaying a textural list of operations, and displaying an icon adjacent a loop label in the textual list, the icon indicating whether the first loop schedule is expanded or collapsed and allowing for such, Marmel further teaches, in pages 50 and 51, elements being able to be hidden upon selection from the user to allow for "various levels of detail" where it is know in the art that the collapsing will change the minus next the textural description to a plus.

15. With regard to claim 8, which teaches displaying a second loop schedule for a second loop, wherein timing is relative to the loop, Marmel further teaches, in page 263, sub-elements that have there own sub-elements that have timing relative to the sub-sub-element.

16. With regard to claim 9, which teaches the Gantt chart includes at least one pseudo-operation icon, Elliott teaches, in Part III, section 3.5, the inclusion of pseudo-operations in the Gantt table.

17. With regard to claim 10, which teaches the first loop includes plural alternate branches of execution having different lengths, wherein timing within the first loop is independent of the different lengths, Marmel further teaches, in page 263, sub-elements that have there own sub-elements, but the parent sub elements locally displayed timing (9/) is independent of the time of the different sub elements.

18. With regard to claims 11, 25, 30, and 33, which teach the design tool being a behavioral synthesis tool, Marmel teaches, on pages 8 and 9, a system used for organization and visualization of a series of tasks (Behavioral Synthesis).

19. With regard to claims 12, 26, and 34, which teach the system using a computer readable medium, Marmel further teaches, on page 3, the system being implemented in Microsoft Project, which is know in the art to be used in a computer readable medium.

20. With regard to claim 13, which teaches a design tool for presenting information, Marmel teaches, on page 8, presenting a schedule including one or more sub elements. With regard to claim 13, further teaching displaying a block of design where the block contains a sub-block which has independent timing, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in

the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

21. With regard to claim 14, which teaches the block being for a top-level loop, wherein the top-level loop includes a nested loop, and wherein the sub-block is for the nested loop, Marmel teaches, on page 263, this hierarchical arranged structure of elements and sub-elements.

22. With regard to claim 15, which teaches the sub-block being for one of plural alternative branches of execution within the block, Marmel teaches, on page 263, blocks having sub blocks with a plurality of branches.

23. With regard to claim 16, which teaches the first information is a block schedule and the second information is a sub block schedule, Marmel teaches, on page 263, a first information (Initial planning) is a block schedule and a second information (Selection) is a sub block schedule.

24. With regard to claim 17, which teaches the first information being a block schedule and the second information being an icon representing a sub-block schedule, Marmel teaches, on page 263 and on pages 50 and 51) the (Initial planning) which can be displayed expanded, and the (Selection) which can be displayed contracted.

25. With regard to claim 18, which teaches the icon in a clock overhead space of a control step, Marmel teaches, on page 263 the hierarchy being arranges so that icons representing steps are arranged above and below parent/child steps.

26. With regard to claim 19, which teaches the timing within the sub-block being relative to the sub block, Marmel teaches, on page 263, the timing (9/) within the Selection sub block being independent of the global time.

27. With regard to claim 20, which teaches the block and the sub-block including an independently numbered set of control steps, Marmel teaches, on page 263, the timing (8/25) within the Initial planning sub block and the timing (9/) within the Selection sub block being independent of the global time.

28. With regard to claim 21, which teaches the second information being nested in the first information, Marmel teaches, on page 263, the Initial planning block having the Selection sub block nested in it.

29. With regard to claim 22, which teaches presenting the second window in a separate window, Elliott teaches, in part 1, in the figure below section 6.5, the loop being displayed by itself through the "view by loop" command.

30. With regard to claim 23, which teaches the operation labels, one or more sub-block operation labels indented relative to the one or more block operations in the list, Marmel teaches, on page 263, the Initial planning block having the Selection sub block indented under it.

31. With regard to claim 24, which teaches presenting a third information for a sub-block of the design, where timing is presented independent of the second sub-block

display, Marmel teaches, on page 263, the Initial planning block having the Selection sub block nested in it and the Selection block having a Public relations block imbedded within it, each with there own relative timing.

32. With regard to claim 27, which teaches a method of presenting a schedule, Marmel teaches, on page 8, presenting a schedule including one or more sub elements. With regard to claim 27, further teaching the displaying in a Gantt chart of a top level structure, Marmel teaches, on pages 8, 50, and 51, presenting a schedule in the form of a Gantt chart where the chart can display only the top level structure. With regard to claim 27, further teaching displaying the first loop schedule where timing is presented relative to the first loop schedule, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element. With regard to claim 27, further teaching each of the lines including at least one operation icon, Marmel teaches, on page 263, each of the elements having a icon to expand or contract the sub-elements. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would

have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

33. With regard to claim 28, which teaches the parent schedules being in a clock overhead space relative to the child schedules, Marmel teaches, on page 263, the parent schedules being in a clock overhead space relative to the child schedules.

34. With regard to claim 31, which teaches a method of presenting a schedule, Marmel teaches, on page 8, presenting a schedule including one or more sub elements. With regard to claim 31, further teaching the displaying in a Gantt chart of a top level structure, Marmel teaches, on pages 8, 50, and 51, presenting a schedule in the form of a Gantt chart where the chart can display only the top level structure. With regard to claim 31, further teaching displaying the first loop schedule where timing is presented relative to the first loop schedule, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

35. With regard to claim 35, which teaches a method of presenting a schedule including one or more loops, Marmel teaches, on page 8, presenting a schedule including one or more sub elements. With regard to claim 1, further teaching the displaying in a Gantt chart of a top level structure, Marmel teaches, on pages 8, 50, and 51, presenting a schedule in the form of a Gantt chart where the chart can display only the top level structure. With regard to claim 1, further teaching displaying the first loop schedule where timing is presented relative to the first loop schedule, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element. With regard to claim 31, further teaching hiding the first loop schedule responsive to a command from the designer, Marmel further teaches, in pages 50 and 51, elements being able to be hidden upon selection from the user to allow for "various levels of detail". Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

Conclusion

36. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems implementing process organization and visualization.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G Bonshock whose telephone number is (703)305-4668. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dgb

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173